



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/034,286	03/04/1998	DEAN A. FALB	7853-114	3157

25885 7590 02/04/2003

ELI LILLY AND COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

EXAMINER

NGUYEN, DAVE TRONG

ART UNIT PAPER NUMBER

1632

DATE MAILED: 02/04/2003

#25

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No. 23

PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036

COPY MAILED

NOV 15 2001

OFFICE OF PETITIONS

In re Application of
Dean A. Falb
Application No. 09/034,286
Filed: March 4, 1998
Attorney Docket No. 7853-114

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 7, 2001¹, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action mailed October 24, 2000, which set a shortened statutory period for reply of three (3) months. Petitioner replied with a Request for a Continued Prosecution Application (CPA) on April 23, 2001.² However, the CPA could not be entered because another CPA had already been filed after May 29, 2000.³ Accordingly, the above-identified application became abandoned on April 25, 2001. A Notice of Abandonment was mailed on May 22, 2001.

The petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a 37 CFR 1.53(b) continuation application, made the proper statement of unintentional delay, and paid the petition fee.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuation application number 09/924,417, filed August 7, 2001.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Petitioner's Deposit Account No. 16-1150 has been refunded the amount of \$1886 for the unentered CPA filed April 23, 2001.

The application file is being forwarded to Files Repository.

The continuation application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing.

¹ Supplemented by a facsimile transmission received October 23, 2001.

² Made timely by obtaining a three month extension of time.

³ The earlier CPA was filed on September 5, 2000.

Applicant will receive appropriate notifications regarding fees owed, if any, and other information in due course from OIPE.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

for D Wood
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Pennie & Edmonds LLP
1667 K Street, N.W.
Washington, DC 20006